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## SENATE BILL No. 46

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-42-4-8.

**Synopsis:** Sexual battery. Provides that a person commits sexual battery when, with the intent to arouse or satisfy sexual desires, the person touches another person who is unaware that the touching is occurring.

**Effective:** July 1, 2005.

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**Wyss, Ford**

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January 4, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 46

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 35-42-4-8 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) A person who,  
3 with intent to arouse or satisfy the person's own sexual desires or the  
4 sexual desires of another person, touches another person when that  
5 person is:  
6 (1) compelled to submit to the touching by force or the imminent  
7 threat of force; ~~or~~  
8 **(2) unaware that the touching is occurring; or**  
9 ~~(2) (3)~~ **(3)** so mentally disabled or deficient that consent to the  
10 touching cannot be given;  
11 commits sexual battery, a Class D felony.  
12 (b) An offense described in subsection (a) is a Class C felony if:  
13 (1) it is committed by using or threatening the use of deadly force;  
14 (2) it is committed while armed with a deadly weapon; or  
15 (3) the commission of the offense is facilitated by furnishing the  
16 victim, without the victim's knowledge, with a drug (as defined in  
17 IC 16-42-19-2(1)) or a controlled substance (as defined in



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1 IC 35-48-1-9) or knowing that the victim was furnished with the  
2 drug or controlled substance without the victim's knowledge.

3 SECTION 2. [EFFECTIVE JULY 1, 2005] **IC 35-42-4-8, as**  
4 **amended by this act, applies to acts committed after June 30, 2005.**

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